IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.438 OF 2006
IN
CRIMINAL APPEAL NO.408 OF 2006

Malhar Nagnath Sakhare & Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

Shri S.V. Kotwal for the Applicants.
Shri S.R. Shinde, A.P.P for the Respondent.

CORAM : A. S. OKA, J.
DATE : NOVEMBER 27, 2006.

P.C.:

1. Heard the Advocate for the Applicants and the learned A.P.P for the State. The conviction of the Applicants is for offences under section 498A, 304B and 306 read with section 34 of the Indian Penal Code. There appears to be a substance in the contention of the learned Advocate for the Applicants that there was no demand of dowry which preceeded the unfortunate incident of suicide on 06th December, 2004. The marriage had taken place in May 2000. The evidence discloses that a demand was made by mother-in-law of the deceased on 21st November, 2004 of Rs.1,00,000/- on the ground that the husband of the deceased was unemployed. Prima facie it appears to me that this is the only demand which is disclosed in the evidence made in close proximity of the time when the Applicant

committed suicide. Prima facie there is no demand of dowry made prior to the incident as the demand of Rs.1,00,000/- cannot be said to be in connection with the marriage.

2. The Applicants were on bail through out the trial. There is no allegation of misuse of the liberty granted in favour of the Applicants.

3. Considering the nature of the evidence on record and considering the fact that the Applicants were on bail throughout the trial, a case is made out for enlarging the Applicants on bail.

4. Hence, Application is disposed of by passing following order:

(i) The Applicants shall be enlarged on the same bail on which they were enlarged during the pendency of the trial subject to filing fresh bail bonds.

(ii) Bail is granted subject to condition that the Applicants will attend Barshi Police Station, District Solapur on every first Saturday of every calendar month till the disposal of the

Appeal.

JUDGE